

## **Court Facilities Dispute Resolution Committee**

Ms. Karen Finn, Chair, Representative of the Department of Finance

Justice Ron Robie, Representative of the Judicial Council

Supervisor John Tavaglione, Representative of the California State Association of Counties

April 9, 2009

Michael C. Genest, Director  
Department of Finance  
State Capitol, Room 1145  
Sacramento, CA 95814

Re: Court Facilities Dispute Resolution Committee Recommendation from the  
October 28, 2008, meeting

Dear Director Genest:

This letter is to inform you that the Court Facilities Dispute Resolution Committee (DRC) formally met on October 28, 2008, to hear the Orange County initiated dispute regarding the Seismic Safety Rating for the Lamoreaux Justice Center.

Government Code Section 70328 provides that the seismic safety rating of a facility may be appealed by the County to the DRC. In such a dispute, the state has the burden of proving by a preponderance of the evidence the unacceptable seismic safety rating. Government Code Section 70327 provides that the state shall provide for a licensed structural engineer to inspect and evaluate each court facility for seismic safety if the building was constructed under a building code prior to the 1988 Uniform Building Code and the facility has not been upgraded since 1988 for seismic safety. The law does not specify what determines an adequate seismic safety upgrade.

The Committee's recommendation is detailed below:

### **Lamoreaux Justice Center**

This facility was originally presented at the September 22, 2008, DRC meeting but was held over until the October 28, 2008, DRC meeting to allow the parties more face-to-face meetings to attempt to resolve the SRL rating. This facility, determined to be a seismic risk level (SRL) V, was constructed in 1992. The building was designed to 1985 uniform building standards. The County of Orange stated that while the facility was built with 1985 uniform building standards, they attempted to incorporate the structural design intent of the post-1988 amendments. The Administrative Office of the Courts (AOC) re-ran their risk analysis model and performed a Tier 3 Seismic Evaluation and determined that the facility was still rated as SRL V.

**Recommendation:** Deny the appeal. The Committee members voted unanimously to deny the County's appeal. The County did not present sufficient evidence to dispute the seismic risk rating, as determined by the structural engineer that was retained by the AOC.

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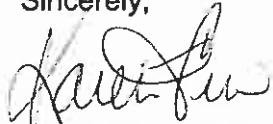
Michael C. Genest, Director

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Per Government Code Section 70303, the DRC will make recommendations regarding disputes to the Director of the Department of Finance who will then make the final determination. Please accept this letter as the DRC's formal recommendation on the above listed dispute.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Finn", is written over a light blue horizontal line.

Karen Finn, Chair

cc: All Interested Parties of the Court Facilities Dispute Resolution Committee